

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK (FOLEY SQUARE)**

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RAYMOND SWAINSON,  
  
Plaintiff,

CASE NO. 1:21-cv-05378-RA  
ECF Case

vs.

MOHELA; TRANSUNION, LLC;  
EXPERIAN INFORMATION  
SOLUTIONS, INC.; and EQUIFAX  
INFORMATION SERVICES LLC;  
Defendants.

**NOTICE OF MOTION TO DISMISS  
AMENDED COMPLAINT**

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Defendant consumer reporting agency Trans Union, LLC (“Trans Union”), by counsel, hereby submits this Notice Of Motion To Dismiss Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) (the “Motion”).

The Motion should be granted in this case where Plaintiff claims his lender breached an agreement with him but fails to plead any cause of action against Trans Union, otherwise allege that Plaintiff is entitled to relief from Trans Union or that Plaintiff suffered an actual injury caused by Trans Union because:

A. Case law holds the Amended Complaint fails to state a claim against Trans Union upon which relief can be granted because it contains no allegations against Trans Union.

B. Case law holds this Court lacks subject matter jurisdiction to hear Plaintiff’s claims against Trans Union, because Plaintiff claims no required concrete injury and so lacks standing to bring these claims under Article III of the United States Constitution.

Pursuant to Local Rule 7.1(a), Trans Union’s Memorandum of Law in Support of the Motion is simultaneously here with.

Pursuant to Local Rule 7.2 Plaintiff has been provided with copies of cited cases and other authorities that are unpublished or reported exclusively on computer databases.

Pursuant to Local Rule 12.1, Trans Union has served Plaintiff Notice to Pro Se Litigant Who Opposes A Rule 12 Motion Supported by Matters Outside The Pleadings.

Date: October 28, 2021

Respectfully submitted,

/s/ Camille R. Nicodemus

Camille R. Nicodemus, Esq.

Daniel F. Rothenberg, Esq.

*(Pro Hac Vice pending)*

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*Counsel for Defendant Trans Union, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been filed electronically on the **28th day of October, 2021**. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing.

Bridgett Rose, Esq. <a href="mailto:brose@hahnhausen.com">brose@hahnhausen.com</a>	Courtney S. Stieber, Esq. <a href="mailto:ctaymour@seyfarth.com">ctaymour@seyfarth.com</a>
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The undersigned further certifies that a true copy of the foregoing was served on the following parties via First Class, U.S. Mail, postage prepaid, on the **28th day of October, 2021**, properly addressed as follows:

<b><u>Pro Se Plaintiff</u></b> Raymond Swainson 49 E. 21 <sup>st</sup> Street, Apt. 10D New York, NY 10010 <a href="mailto:rayswainson@gmail.com">rayswainson@gmail.com</a>	
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/s/ Camille R. Nicodemus

Camille R. Nicodemus, Esq.

Daniel F. Rothenberg, Esq.

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